



**Chip Stewart, PE**  
Advisor, Environmental

10001 Six Pines Drive  
Room 4124  
The Woodlands, Texas  
77380

Telephone: (832) 813-4676  
Fax: (832) 813-4680  
[stewacr@cpchem.com](mailto:stewacr@cpchem.com)

[www.cpchem.com](http://www.cpchem.com)

March 31, 2003

Rebecca Kane  
Office of Enforcement & Compliance Assurance (MC 2222A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Re: Enforcement & Compliance History Online Website**

Dear Ms. Kane:

Chevron Phillips Chemical Company LP (CPChem) appreciates the opportunity to comment on EPA's pilot website, Enforcement and Compliance History Online (ECHO). We see the website as a useful tool in keeping the public and the regulated community informed of the compliance history of neighboring facilities and support the Agency's efforts in this project. However, we noticed that there are a number of errors for our particular facilities in the database. Further, we have not been able to resolve all of these errors by using the online error reporting tool, so to the casual user of the database, it appears that these errors are in fact instances of noncompliance at our facilities.

As a member of the American Chemistry Council, CPChem has reviewed and is in agreement with the detailed comments that the ACC has provided on the rule, as well as the comments submitted by our parent companies, ChevronTexaco and ConocoPhillips.

Below we have highlighted three main points that are important to us. These concepts are discussed in greater detail in the comments submitted by the above organizations.

1) We believe the accuracy of ECHO would be improved if facilities could review data for quality before it is posted on the website. One major disadvantage of EPA's current error correction process is that it begins only after the data has been publicly posted on the internet. Incorrect information remains on the

website until the error correction process is complete. This allows false violations to unfairly damage a company's reputation.

As an example, one of our Texas facilities showed a RCRA violation for multiple quarters. An online error report was submitted explaining that the facility wasn't aware of any violations in its RCRA program, and that no actions or notifications of RCRA violations had been made to the facility by EPA or the State of Texas. An email response was received stating that an investigation had been performed and the error would be removed, however, the database is still showing the RCRA violations.

Another facility has several compliance reports indicated as "achieved late" in the database. These reports were postmarked and submitted within 14 days of January 1, April 1, July 1, and October 1, as is specified in the order. The late designation in the ECHO database has been the only indication to us that the reports have been considered untimely. After attempting to resolve the issue online, we have learned the State is claiming the report itself must be dated on the first of the month, and that the post marked date is not relevant in this particular case. We are working with the State to resolve this confusion, however, the ECHO database continues to show the violation.

We believe that these inaccuracies could be potentially damaging, and that the damage could be eliminated if the system allowed facilities to review the compliance information before it was posted on the web. As an alternative, we are in support of the concept of distinguishing violations as "ALLEGED, BUT NOT RESOLVED", and "CONFIRMED" in lieu of the current single designation "INVOL" in the RCRA /Solid Waste area. This concept is discussed in more detail by the ACC and the American Petroleum Institute.

The quality review by the regulated facility could be similar to the process currently allowed by EPA's Toxic Release Inventory (TRI) program. It is interesting to note that the TRI data for our facilities appears to be of good quality and virtually error free, even though the TRI report contains much more data than the ECHO. We attribute this higher quality to the review step that is currently part of the posting process.

- 2) *An indication of the total compliance obligations, or the "complexity" of a site would add perspective to the facility's compliance history.*

Large complex facilities such as refineries and petrochemical plants often have thousands of compliance requirements. Giving the total number of violations for every facility without an indication of the total obligations will inevitably make the more complex facility appear to be the poorer performer. For instance, three violations at an integrated petrochemical complex may actually be better performance than say two violations at a small facility, but the current database display structure would not allow the user to make such a conclusion. We realize that it may be difficult to provide an accurate indication of the total number of compliance obligations, but several sources such as Title V permits, NPDES permits, and RCRA permits could be used to provide an estimate, or at least an indication of the complexity of the site.

- 3) *In addition to the High Priority Violator (HPV) or Significant Non-compliance (SNC) designations, the data would be more useful if there could be additional details for the lower priority or less critical violations.*

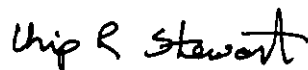
Like most major companies, CPChem strives to conduct our business with a perfect compliance record. Certainly, we would expect to avoid the designation of HPV or SNC for the overwhelming majority of, if not all of the time. However, we noticed for the lower priority violations, the relative severity of the

violation, or sometimes even the nature of the violation is often not clear. For example, under RCRA two year compliance status, "area of violation" field, the descriptions are overly broad. Many times we saw "GENERATOR REQUIREMENTS-OTHER REQUIRMENTS" as the description. It was difficult to ascertain the nature of the violation, sometimes even for the facility familiar with the compliance history.

The air two year compliance history describes the violations in general program areas, such as "SIP", "NSR", or "MACT" without giving the nature of the violation. While we do not have concrete suggestions on how to provide these details, we thought we should point out that more details would make the database more useable in the long term. This is especially pertinent as more and more facilities hopefully move out of the HPV/SNC categories, and into less severe categories.

Again, Chevron Phillips Chemical Company appreciates the opportunity to be involved in the rulemaking process and specifically in the construction of the ECHO database. We hope that our comments are constructive, and will help EPA develop a database that meets its goals of providing useful and meaningful compliance history data to the public. If you should have any questions regarding our comments, I will be happy to discuss them in more detail with you. I can be reached at (832) 813-4676.

Sincerely,

A handwritten signature in black ink that reads "Chip R. Stewart". The signature is written in a cursive, slightly slanted style.

Chip R. Stewart